

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK MURACA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 17-CR-739 (RA)
NO. 21-CV-6003 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Petitioner Patrick Muraca, proceeding pro se, moves to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Mr. Muraca claims in part that he was denied the effective assistance of counsel because his trial counsel, Bennett Epstein and Sarah Sacks, “would not allow” Mr. Muraca to testify at trial and that Mr. Epstein threatened to quit as his attorney shortly before trial if Mr. Muraca insisted on doing so. Dkt. No. 129 at 21-23. Mr. Muraca alleges that he chose not to testify because he “was afraid that [Mr. Epstein] would actually quit [which] would have been a disaster.” *Id.*; see Dkt. No. 133 at 28-29.

On January 19, 2024, after receiving sworn affidavits from both Mr. Muraca and Mr. Epstein, the Court found that an evidentiary hearing was warranted. Dkt. No. 142. Although Mr. Epstein asserted that he “never threatened to quit the case at any point” and that “the issue of [Mr. Muraca] testifying was never foreclosed in any way,” Dkt. No. 140, Mr. Muraca still insisted that Mr. Epstein told him that “you will not testify” and “if you don’t trust me anymore, you can find yourself a new attorney to represent you,” Dkt. No. 141 at 12-13.

On February 1, 2024, the Court received a letter from Mr. Muraca requesting that the Court appoint a new CJA attorney to represent him at the evidentiary hearing. Dkt. No. 143.

Accordingly, the CJA attorney assigned to receive cases on this day, Valerie Gotlib, is hereby ordered to assume representation of Mr. Muraca in the above captioned matter.

Ms. Gotlib shall confer with Mr. Epstein, Ms. Sacks, and the Government, and shall file a joint status letter within two weeks proposing dates for the evidentiary hearing. The letter shall also address the proposed substantive scope of the hearing, as well as whether Mr. Muraca, Mr. Epstein, Ms. Sacks, or the Government seeks to file any supplemental materials to the Court.

Ms. Gotlib shall also reach out to Mr. Muraca to discuss this matter and provide him with a copy of this Order.

SO ORDERED.

Dated: February 5, 2024
New York, New York

A handwritten signature in blue ink, appearing to be 'R. Abrams', written over a horizontal line.

Hon. Ronnie Abrams
United States District Judge